



Rep. Renée Kosel

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LRB097 08938 ASK 54550 a

1 AMENDMENT TO HOUSE BILL 2831

2 AMENDMENT NO. _____. Amend House Bill 2831 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Public Utilities Act is amended by changing
5 Sections 2-107 and 8-306 as follows:

6 (220 ILCS 5/2-107) (from Ch. 111 2/3, par. 2-107)

7 Sec. 2-107. The office of the Commission shall be in
8 Springfield, but the Commission may, with the approval of the
9 Governor, establish and maintain branch offices at places other
10 than the seat of government. Such office shall be open for
11 business between the hours of 8:30 a.m. and 5:00 p.m.
12 throughout the year, and one or more responsible persons to be
13 designated by the executive director shall be on duty at all
14 times in immediate charge thereof.

15 The Commission shall hold stated meetings at least once a
16 month and may hold such special meetings as it may deem

1 necessary at any place within the State. At each regular and
2 special meeting that is open to the public, members of the
3 public shall be afforded time, subject to reasonable
4 constraints, to make comments to or to ask questions of the
5 Commission.

6 The Commission shall provide a website ~~web site~~ and a
7 toll-free telephone number to accept comments from Illinois
8 residents regarding any matter under the auspices of the
9 Commission or before the Commission. In the case of a water
10 utility, (i) the comments received through the toll-free
11 telephone number shall be transcribed and placed on the
12 Commission's electronic docketing system for review by all
13 parties, and the Commission shall notify all of the parties of
14 the transcript's availability; (ii) both the transcript of the
15 telephone comments and all comments received directly on the
16 website shall become part of the record for decision; and (iii)
17 the comments and suggestions received through both venues shall
18 be reported by the ~~The Commission staff shall report, in a~~
19 ~~manner established by the Commission that is consistent with~~
20 ~~the Commission's rules regarding ex parte communications, to~~
21 the full Commission and reviewed by the full Commission
22 ~~comments and suggestions received through both venues~~ before
23 all relevant votes of the Commission.

24 The Commission may, for the authentication of its records,
25 process and proceedings, adopt, keep and use a common seal, of
26 which seal judicial notice shall be taken in all courts of this

1 State; and any process, notice, order or other paper which the
2 Commission may be authorized by law to issue shall be deemed
3 sufficient if signed and certified by the Chairman of the
4 Commission or his or her designee, either by hand or by
5 facsimile, and with such seal attached; and all acts, orders,
6 proceedings, rules, entries, minutes, schedules and records of
7 the Commission, and all reports and documents filed with the
8 Commission, may be proved in any court of this State by a copy
9 thereof, certified to by the Chairman of the Commission, with
10 the seal of the Commission attached.

11 Notwithstanding any other provision of this Section, the
12 Commission's established procedures for accepting testimony
13 from Illinois residents on matters pending before the
14 Commission shall be consistent with the Commission's rules
15 regarding ex parte communications and due process.

16 (Source: P.A. 95-127, eff. 8-13-07.)

17 (220 ILCS 5/8-306)

18 Sec. 8-306. Special provisions relating to water and sewer
19 utilities.

20 (a) No later than 120 days after the effective date of this
21 amendatory Act of the 94th General Assembly, the Commission
22 shall prepare, make available to customers upon request, and
23 post on its Internet website ~~web site~~ information concerning
24 the service obligations of water and sewer utilities and
25 remedies that a customer may pursue for a violation of the

1 customer's rights. The information shall specifically address
2 the rights of a customer of a water or sewer utility in the
3 following situations:

4 (1) The customer's water meter is replaced.

5 (2) The customer's bill increases by more than 50%
6 within one billing period.

7 (3) The customer's water service is terminated.

8 (4) The customer wishes to complain after receiving a
9 termination of service notice.

10 (5) The customer is unable to make payment on a billing
11 statement.

12 (6) A rate is filed, including without limitation a
13 surcharge or annual reconciliation filing, that will
14 increase the amount billed to the customer.

15 (7) The customer is billed for services provided prior
16 to the date covered by the billing statement.

17 (8) The customer is due to receive a credit.

18 Each billing statement issued by a water or sewer utility
19 shall include an Internet website ~~web-site~~ address where the
20 customer can view the information required under this
21 subsection (a) and a telephone number that the customer may
22 call to request a copy of the information.

23 (b) A water or sewer utility may discontinue service only
24 after it has mailed or delivered by other means a written
25 notice of discontinuance substantially in the form of Appendix
26 A of 83 Ill. Adm. Code 280. The notice must include the

1 Internet website ~~web site~~ address where the customer can view
2 the information required under subsection (a) and a telephone
3 number that the customer may call to request a copy of the
4 information. Any notice required to be delivered or mailed to a
5 customer prior to discontinuance of service shall be delivered
6 or mailed separately from any bill. Service shall not be
7 discontinued until at least 5 days after delivery or 8 days
8 after the mailing of this notice. Service shall not be
9 discontinued and shall be restored if discontinued for the
10 reason which is the subject of a dispute or complaint during
11 the pendency of informal or formal complaint procedures of the
12 Illinois Commerce Commission under 83 Ill. Adm. Code 280.160 or
13 280.170, where the customer has complied with those rules.
14 Service shall not be discontinued and shall be restored if
15 discontinued where a customer has established a deferred
16 payment agreement pursuant to 83 Ill. Adm. Code 280.110 and has
17 not defaulted on such agreement. Residential customers who are
18 indebted to a utility for past due utility service shall have
19 the opportunity to make arrangements with the utility to retire
20 the debt by periodic payments, referred to as a deferred
21 payment agreement, unless this customer has failed to make
22 payment under such a plan during the past 12 months. The terms
23 and conditions of a reasonable deferred payment agreement shall
24 be determined by the utility after consideration of the
25 following factors, based upon information available from
26 current utility records or provided by the customer or

1 applicant:

- 2 (1) size of the past due account;
- 3 (2) customer or applicant's ability to pay;
- 4 (3) customer or applicant's payment history;
- 5 (4) reason for the outstanding indebtedness; and
- 6 (5) any other relevant factors relating to the
- 7 circumstances of the customer or applicant's service.

8 A residential customer shall pay a maximum of one-fourth of the

9 amount past due and owing at the time of entering into the

10 deferred payment agreement, and the water or sewer utility

11 shall allow a minimum of 2 months from the date of the

12 agreement and a maximum of 12 months for payment to be made

13 under a deferred payment agreement. Late payment charges may be

14 assessed against the amount owing that is the subject of a

15 deferred payment agreement.

16 (c) A water or sewer utility shall provide notice as

17 required by subsection (a) of Section 9-201 after the filing of

18 each information sheet under a purchased water surcharge,

19 purchased sewage treatment surcharge, or qualifying

20 infrastructure plant surcharge. The utility also shall post

21 notice of the filing in accordance with the requirements of 83

22 Ill. Adm. Code 255. Unless filed as part of a general rate

23 increase, notice of the filing of a purchased water surcharge

24 rider, purchased sewage treatment surcharge rider, or

25 qualifying infrastructure plant surcharge rider also shall be

26 given in the manner required by this subsection (c) for the

1 filing of information sheets.

2 (d) Commission rules pertaining to formal and informal
3 complaints against public utilities shall apply with full and
4 equal force to water and sewer utilities and their customers,
5 including provisions of 83 Ill. Adm. Code 280.170, and the
6 Commission shall respond to each complaint by providing the
7 consumer with a copy of the utility's response to the complaint
8 and a copy of the Commission's review of the complaint and its
9 findings. The Commission shall also provide the consumer with
10 all available options for recourse.

11 (e) Any refund shown on the billing statement of a customer
12 of a water or sewer utility must be itemized and must state if
13 the refund is an adjustment or credit.

14 (f) Water service for building construction purposes. At
15 the request of any municipality or township within the service
16 area of a public utility that provides water service to
17 customers within the municipality or township, a public utility
18 must (1) require all water service used for building
19 construction purposes to be measured by meter and subject to
20 approved rates and charges for metered water service and (2)
21 prohibit the unauthorized use of water taken from hydrants or
22 service lines installed at construction sites.

23 (g) Water meters.

24 (1) Periodic testing. Unless otherwise approved by the
25 Commission, each service water meter shall be periodically
26 inspected and tested in accordance with the schedule

1 specified in 83 Ill. Adm. Code 600.340, or more frequently
2 as the results may warrant, to insure that the meter
3 accuracy is maintained within the limits set out in 83 Ill.
4 Adm. Code 600.310.

5 (2) Meter tests requested by customer.

6 (A) Each utility furnishing metered water service
7 shall, without charge, test the accuracy of any meter
8 upon request by the customer served by such meter,
9 provided that the meter in question has not been tested
10 by the utility or by the Commission within 2 years
11 previous to such request. The customer or his or her
12 representatives shall have the privilege of witnessing
13 the test at the option of the customer. A written
14 report, giving the results of the test, shall be made
15 to the customer.

16 (B) When a meter that has been in service less than
17 2 years since its last test is found to be accurate
18 within the limits specified in 83 Ill. Adm. Code
19 600.310, the customer shall pay a fee to the utility
20 not to exceed the amounts specified in 83 Ill. Adm.
21 Code 600.350(b). Fees for testing meters not included
22 in this Section or so located that the cost will be out
23 of proportion to the fee specified will be determined
24 by the Commission upon receipt of a complete
25 description of the case.

26 (3) Commission referee tests. Upon written application

1 to the Commission by any customer, a test will be made of
2 the customer's meter by a representative of the Commission.
3 For such a test, a fee as provided for in subsection (g) (2)
4 shall accompany the application. If the meter is found to
5 be registering more than 1.5% fast on the average when
6 tested as prescribed in 83 Ill. Adm. Code 600.310, the
7 utility shall refund to the customer the amount of the fee.
8 The utility shall in no way disturb the meter after a
9 customer has made an application for a referee test until
10 authority to do so is given by the Commission or the
11 customer in writing.

12 (h) Water and sewer utilities; low usage. Each public
13 utility that provides water and sewer service must establish a
14 unit sewer rate, subject to review by the Commission, that
15 applies only to those customers who use less than 1,000 gallons
16 of water in any billing period.

17 (i) Water and sewer utilities; separate meters. Each public
18 utility that provides water and sewer service must offer
19 separate rates for water and sewer service to any commercial or
20 residential customer who uses separate meters to measure each
21 of those services. In order for the separate rate to apply, a
22 combination of meters must be used to measure the amount of
23 water that reaches the sewer system and the amount of water
24 that does not reach the sewer system.

25 (j) Each water or sewer public utility must disclose on
26 each billing statement any amount billed that is for service

1 provided prior to the date covered by the billing statement.
2 The disclosure must include the dates for which the prior
3 service is being billed. Each billing statement that includes
4 an amount billed for service provided prior to the date covered
5 by the billing statement must disclose the dates for which that
6 amount is billed and must include a copy of the document
7 created under subsection (a) and a statement of current
8 Commission rules concerning unbilled or misbilled service.

9 (k) When the customer is due a refund resulting from
10 payment of an overcharge, the utility shall credit the customer
11 in the amount of overpayment with interest from the date of
12 overpayment by the customer. The rate for interest shall be at
13 the appropriate rate determined by the Commission under 83 Ill.
14 Adm. Code 280.70.

15 (l) Water and sewer public utilities; subcontractors. The
16 Commission shall adopt rules for water and sewer public
17 utilities to provide notice to the customers of the proper kind
18 of identification that a subcontractor must present to the
19 customer, to prohibit a subcontractor from soliciting or
20 receiving payment of any kind for any service provided by the
21 water or sewer public utility or the subcontractor, and to
22 establish sanctions for violations.

23 (m) Water and sewer public utilities; unaccounted-for
24 water. By December 31, 2006, each water public utility shall
25 file tariffs with the Commission to establish the maximum
26 percentage of unaccounted-for water that would be considered in

1 the determination of any rates or surcharges. The rates or
2 surcharges approved for a water public utility shall not
3 include charges for unaccounted-for water in excess of this
4 maximum percentage without well-documented support and
5 justification for the Commission to consider in any request to
6 recover charges in excess of the tariffed maximum percentage.

7 (n) Rate increases; public forums. When any public utility
8 providing water or sewer service proposes a general rate
9 increase, in addition to other notice requirements, the water
10 or sewer public utility must notify its customers of their
11 right to request a public forum. A customer or group of
12 customers must make written request to the Commission for a
13 public forum and must also provide written notification of the
14 request to the customer's municipal or, for unincorporated
15 areas, township government. In the event of such a request, the
16 ~~The Commission shall, at its discretion, may~~ schedule the
17 public forum. If ~~it is determined that~~ public forums are
18 required for multiple municipalities or townships, then the
19 Commission shall schedule these public forums, in locations
20 within approximately 45 minutes drive time of the
21 municipalities or townships for which the public forums have
22 been scheduled. The public utility must provide advance notice
23 of 30 days for each public forum to the governing bodies of
24 those units of local government affected by the increase. The
25 day of each public forum shall be selected so as to encourage
26 the greatest public participation. Each public forum will begin

1 at 7:00 p.m. Reports and comments made during or as a result of
2 each public forum shall be transcribed and placed on the
3 Commission's electronic docketing system for review by all of
4 the parties, and the Commission shall notify all parties of the
5 transcript's availability. The transcript shall become part of
6 the record for decision, and must be made available to the
7 hearing officials and reviewed when drafting a recommended or
8 tentative decision, finding or order pursuant to Section 10-111
9 of this Act. The transcript must be reviewed by the full
10 Commission before all relevant votes of the Commission.

11 (Source: P.A. 94-950, eff. 6-27-06.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.".